

Amended Ordinance 14 - 19

By: Troy Markham

AN ORDINANCE TO ADD CHAPTER 888 TO THE BEXLEY CITY CODE TO RESTRICT SINGLE USE PLASTICS IN THE CITY OF BEXLEY, OHIO.

WHEREAS, numerous studies have shown the negative environmental and health effects of plastics and the chemicals used to produce them; and

WHEREAS, numerous studies have documented the prevalence of plastic carry-out bags littering the environment, blocking storm drains, becoming entangled in tree tops, and fouling beaches; and

WHEREAS, plastic bags and other plastic products are a substantial source of marine debris, responsible for the deaths of tens of thousands of marine animals due to ingestion or entanglement each year; and

WHEREAS, studies have shown the presence of micro plastics in terrestrial and marine life systems throughout the entire planet, resulting in a wholesale contamination of the food supply due to the proliferation of plastic litter and plastic breakdown products; and

WHEREAS, plastic bags cause operational problems at recycling processing facilities, landfills, and transfer stations, and contribute to litter throughout the Columbus region; and

WHEREAS, plastic straws are the sixth most frequently occurring litter in the United States, according to the Ocean Conservancy; and

WHEREAS, some individuals with disabilities and health care patients need to use flexible plastic straws to consume beverages. Plastic straws are an essential accommodation in these circumstances; and

WHEREAS, food and drink can be exposed to toxic properties when stored or heated in different types of plastic; and

WHEREAS, numerous states and cities throughout the United States have enacted single-use plastic bag and single use plastic bans, resulting in dramatic decreases in plastics waste; and

WHEREAS, major countries throughout the world have banned plastic bags and/or single use plastics, or announced a ban of all single-use plastics by 2022; and

WHEREAS, the City of Bexley, Ohio has the duty to protect the natural environment, the economy and the health of its residents, wildlife and visitors of the city; and

WHEREAS, a core component of the adopted Mission of the City of Bexley is to “Protect, preserve, and enhance Bexley’s natural and developed environment”;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 888 shall be added to the Codified Ordinances of the City of Bexley as follows:

**CHAPTER 888
SINGLE-USE PLASTICS RESTRICTIONS**

888.01 DEFINITIONS.

As used in this chapter, except where the content clearly indicates a different meaning:

- (a) “Commercial Product in Quantity” means a quantity of 10 (ten) or more items marketed for retail sale.
- (b) “Compostable” products are defined as a product that has been certified as 100% compostable consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400 or the Biodegradable Products Institute (BPI) or equivalent, and is clearly marked as “compostable”.
- (c) “Customer” means any Person obtaining goods from a Store.
- (d) “Public Eating Establishment” means a restaurant, take-out food establishment or other business (**including, but not limited to, food sales from vehicles or mobile vendors open to the public**) that receives 90% or more of its revenue from the sale of **prepared and ready-to-consume** foods and/or drinks **to the public**.
- (e) “Recycled Content Paper Bag” means a paper bag provided by a Store to a Customer at the check stand, cash register, point of sale, or other location for the purpose of transporting food or merchandise out of the Store and that contains no old growth fiber and a minimum of forty percent (40%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- (f) “Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 2.25 mils thick.
- (g) “Single-Use Carryout Bag” means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags do not include Produce, Meat, or Product Bags.
- (h) “Store” means **any commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer.**

888.02 CARRYOUT BAG RESTRICTIONS

- (a) No Store shall provide a Single-Use Carryout Bag or Reusable Bag to a Customer at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store after **January 1, 2020** except as provided in this Section.
- (b) A Store may make available for sale to a Customer a Recycled Content Paper Bag or a Reusable Bag for a minimum price of ten cents (\$0.10), effective on and after **January 1, 2020, except as provided in 888.02(c).**
- (c) A Store may make available to a Customer a Reusable Bag at no charge through **June 1, 2020.**
- (d) A Store that is a Public Eating Establishment may make available to a Customer a Recycled Content Paper Bag at no charge.
- (e) Effective on and after **January 1, 2020**, no Store may make available for sale a Recycled Content Paper Bag or Reusable Bag unless the amount of the sale of the Recycled Content Paper Bag and Reusable Bag is separately itemized on the sales receipt.
- (f) A Store may provide a Reusable Bag at no charge if it is distributed as part of an infrequent and limited time promotion. An infrequent and limited time promotion shall not exceed a total of 90 days in any consecutive 12-month period.
- (g) A Store or establishment is not responsible for the materials used by a party that may be renting a facility they own or operate.

888.03 PERMITTED BAGS

- (a) Nothing in this Ordinance prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag.
- (b) Nothing in this Ordinance prohibits or in any way restricts any Store from providing a Compostable Single-Use Carryout or Compostable Reusable Bag.

882.04 OTHER SINGLE USE PLASTICS RESTRICTIONS

- (a) The City of Bexley shall prohibit the use, provision, and distribution of plastic beverage straws, plastic stirrers, plastic drink stoppers, or plastic cutlery at all City facilities and City-sponsored events on or after **January 1, 2020.**
- (b) Except as provided herein, no Store shall use, provide, or distribute plastic beverage straws, plastic stirrers, plastic drink stoppers, or plastic cutlery on and after **January 1, 2021**, with the exception of plastic straws, which may be provided to those with special needs upon request. Stores shall not be prohibited from selling any of these items packaged as a Commercial Product in Quantity for personal use.
- (c) No Educational Institution, or vendor serving on the premises of an Educational Institution, shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers, plastic drink stoppers, or plastic cutlery on and after **January 1, 2021** with the exception of plastic straws, which may be provided to those with special needs upon request.
- (d) Non-compostable or non-recyclable food containers or food container lids shall not be provided or distributed at City-sponsored events on or after **January 1, 2020.**

(e) No Store shall provide or distribute non-compostable or non-recyclable food containers or food container lids as part of a food purchase after **January 1, 2021**.

888.99 PENALTY

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 2.

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2019

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2019

Ben Kessler, Mayor

First Reading: April 23, 2019